

TAB 22

Designation Run Report

Mapes M DA, PC, PCompleteness, DReply on 07-22-21

Mapes, Michael 07-11-2019
Mapes, Michael 07-12-2019

Defendants' Affirmatives 00:19:38

Plaintiffs' Counters 00:13:05

Plaintiffs' Completeness 00:21:44

Defendants' Reply 00:05:02

Total Time 00:59:29



vMapes6ALL-Mapes M DA, PC, PCompleteness, DReply on 07-22-21

Page/Line

Source

ID

| | | |
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| 90:25 - 91:10 | <p>88:2 THE WITNESS: Yes.</p> <p>Mapes, Michael 07-11-2019 (00:00:39)</p> <p>90:25 Q. Does the regulation -- I'm</p> <p>91:1 looking back at Mapes Exhibit 3 -- define the</p> <p>91:2 form or format that a suspicious order report</p> <p>91:3 must take?</p> <p>91:4 A. It does not.</p> <p>91:5 Q. Does it say what information is</p> <p>91:6 supposed to be provided to DEA?</p> <p>91:7 A. No, it doesn't.</p> <p>91:8 Q. Does the regulation in Mapes</p> <p>91:9 Exhibit 3 say anything about whether a</p> <p>91:10 registrant can ship a suspicious order?</p> | <p>vMapes6ALL.21</p> <p>D640.1.1</p> |
| 91:12 - 91:12 | <p>Mapes, Michael 07-11-2019 (00:00:01)</p> <p>91:12 THE WITNESS: No, it doesn't.</p> | <p>vMapes6ALL.22</p> |
| 91:14 - 91:17 | <p>Mapes, Michael 07-11-2019 (00:00:11)</p> <p>91:14 Q. And this section of the</p> <p>91:15 regulation, 1301.74(b), it has not changed</p> <p>91:16 since 1971?</p> <p>91:17 A. I'm not aware of any changes.</p> | <p>vMapes6ALL.23</p> |
| 91:18 - 92:12 | <p>Mapes, Michael 07-11-2019 (00:00:57)</p> <p>91:18 Q. Are you familiar with excessive</p> <p>91:19 purchase reports?</p> <p>91:20 A. Yes.</p> <p>91:21 Q. What are they?</p> <p>91:22 A. Reports that are sent by</p> <p>91:23 wholesalers of purchases of controlled</p> <p>91:24 substances that they, after the fact, think</p> <p>91:25 may be excessive.</p> <p>92:1 Q. Was the submission of excessive</p> <p>92:2 purchase reports, in your experience,</p> <p>92:3 standard practice in the industry?</p> <p>92:4 A. It was.</p> <p>92:5 Q. Was there a particular time</p> <p>92:6 that you believe, in your experience, it was</p> <p>92:7 standard practice in the industry to submit</p> <p>92:8 those?</p> <p>92:9 A. From the time I started with</p> <p>92:10 DEA in 1977 until we had the meetings with</p> <p>92:11 the individual wholesalers, that was the --</p> | <p>clear</p> <p>vMapes6ALL.24</p> |

vMapes6ALL-Mapes M DA, PC, PCompleteness, DReply on 07-22-21

| Page/Line | Source | ID |
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| 92:13 - 92:15 | 92:12 the standard practice, to submit those. Mapes, Michael 07-11-2019 (00:00:05) | vMapes6ALL.25 |
| 92:23 - 92:25 | 92:13 Q. And in your experience, DEA 92:14 reviewed those reports as compliant with the 92:15 Controlled Substances Act? Mapes, Michael 07-11-2019 (00:00:07) | vMapes6ALL.26 |
| 93:2 - 93:25 | 92:23 THE WITNESS: Yeah, I viewed 92:24 those as compliant with the regulation 92:25 for suspicious orders. Mapes, Michael 07-11-2019 (00:00:40) | vMapes6ALL.27 |
| | 93:2 Q. And in your experience of 93:3 conducting audits of distribution centers, 93:4 that was one of your roles as a diversion 93:5 investigator, right? 93:6 A. Yes. 93:7 Q. Conducting audits? 93:8 A. Yes. 93:9 Q. And as a group supervisor, you 93:10 would oversee diversion investigators who 93:11 were conducting audits? 93:12 A. That's correct. 93:13 Q. And that would include a review 93:14 of their suspicious order monitoring systems? 93:15 A. That's correct. 93:16 Q. Including the formats that they 93:17 were using to submit and how they were 93:18 identifying and reporting suspicious orders 93:19 to DEA? 93:20 A. Correct. 93:21 Q. And in the course of your role 93:22 as a diversion investigator and a group 93:23 supervisor, you accepted these excessive 93:24 purchase reports as compliant with the 93:25 Controlled Substances Act? | |
| 94:3 - 94:3 | Mapes, Michael 07-11-2019 (00:00:01) | vMapes6ALL.28 |
| 94:22 - 95:2 | 94:3 THE WITNESS: Yes. Mapes, Michael 07-11-2019 (00:00:17) 94:22 You don't recall saying to 94:23 anyone, a registrant, for example, "You can't 94:24 submit these kinds of excessive purchase | vMapes6ALL.29 |

vMapes6ALL-Mapes M DA, PC, PCompleteness, DReply on 07-22-21

| Page/Line | Source | ID |
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| 95:5 - 95:6 | 94:25 reports and still be compliant with the 95:1 Controlled Substances Act" in your role as a 95:2 diversion investigator or a group supervisor? Mapes, Michael 07-11-2019 (00:00:02) | vMapes6ALL.30 |
| 95:8 - 95:19 | 95:5 THE WITNESS: No, I don't 95:6 remember saying that. Mapes, Michael 07-11-2019 (00:00:26) 95:8 Q. And we've been talking about 95:9 excessive purchase reports, but sometimes 95:10 people -- registrants would call them by 95:11 different names. 95:12 Do you recall that, or in your 95:13 experience were they all called excessive 95:14 purchase reports? 95:15 A. Generally referred to as 95:16 excessive purchase reports. Could be called 95:17 suspicious order reports. 95:18 Q. And were they generally in a 95:19 similar format across the industry? | vMapes6ALL.31 |
| 95:24 - 96:12 | Mapes, Michael 07-11-2019 (00:00:25) 95:24 Q. Do you understand my question? 95:25 A. Yes. 96:1 They were in different formats 96:2 depending on the company that was sending 96:3 them. Some would send computer printouts. 96:4 Some would send copies of invoices. So there 96:5 are different ways that they were sent. 96:6 Q. They generally provided the 96:7 same kind of information? 96:8 A. Yes. 96:9 Q. About purchases and sales that 96:10 had already happened? 96:11 A. Correct. 96:12 Q. And DEA accepted those? | vMapes6ALL.32 |
| 96:15 - 96:15 | Mapes, Michael 07-11-2019 (00:00:01) | vMapes6ALL.33 |
| 96:21 - 96:22 | 96:15 Q. In your personal experience? Mapes, Michael 07-11-2019 (00:00:01) 96:21 THE WITNESS: Yes, we accepted 96:22 those. | vMapes6ALL.34 |
| 97:9 - 97:10 | Mapes, Michael 07-11-2019 (00:00:04) | vMapes6ALL.35 |